

Application Number 09/938,144  
Responsive to Office Action mailed January 27, 2005

### **REMARKS**

This Amendment is responsive to the Office Action dated January 27, 2005. In response to the restriction requirement, the Applicant selected Group I, which includes claims 1–6 and 13–17. The Applicant hereby affirms this selection, and claims 7–9 are withdrawn. The Applicant previously cancelled claims 10–12. The Applicant amended claim 13 and added claims 18–23. The amendment to claim 13 does not narrow the scope of claim 13 and is unrelated to the patentability of claim 13. Claims 1–6 and 13–23 are pending.

In the Office Action, the Examiner rejected claims 1, 2, 5, 13 and 14 under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 4,979,055 to Squires et al. (hereinafter “Squires”). Applicant respectfully traverses the rejection to claims 1, 2, 5, 13 and 14. Squires et al. fails to disclose each and every feature of the claimed invention, as required by 35 U.S.C. §102(b), and provides no teaching that would have made the Applicant’s invention obvious to one of ordinary skill in the art.

#### ***Claims 1–6***

Independent claim 1 recites a data storage device in a form factor assembly not greater than three and one half inches comprising a data disc rotatably mounted on a baseplate, an actuator arm adjacent to the data disc carrying a transducer for reading data from and writing data to the data disc, a printed circuit board (PCB) fastened to the baseplate having a servo controller in operable communication with the actuator arm for moving the actuator arm over the data disc, a central processing unit (CPU) mounted to the PCB generating control signals to the servo controller and **running an operating system** and memory storing an application program operably connected to the CPU, whereby the application program is run by the CPU.

The applied references fail to disclose or suggest the inventions defined by Applicant’s claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention. For example, Squires fails to disclose the feature of CPU **running an operating system**.

In the present Office Action, the Examiner cited Squires, FIG. 1, element 26 disclosing the feature of a CPU running an operating system. As understood by one of ordinary skill in the

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art, an operating system has an ability to host other applications. In contrast, element 26 (Squires, FIG. 1) only implements a pre-programmed control program (Squires, column 5, lines 28–33). In contrast to a CPU running an operating system, as required by independent claim 1, element 26 is not able to run or host additional applications. Squires fails to otherwise disclose a CPU running an operating system.

In addition, Squires fails to disclose limitations as required by dependent claims 2 and 5. For example, Squires fails to disclose an input/output module communicating to a node connected to the communications network as required by claim 2. The Examiner cited Squires FIG.1, element 28 as disclosing this feature. However, element 28 is a computer interface controller and is further described as a small computer system interface (SCSI) (column 5, lines 36–43). The disclosure of Squires teaches that element 28 provides a means to interface with a computer but fails to teach an input/output module communicating to a node connected to the communications network.

Squires does not disclose every limitation of the Applicant's claim 1 and dependent claims 2 and 5 as required for rejection under 35 U.S.C. §102. Furthermore, it would not have been obvious to one of ordinary skill in the art to modify the disclosure of Squires to include an operating system, as required to support a rejection of claim 1 under 35 U.S.C. §103. The Applicant respectfully requests withdrawal of this rejection and allowance of claims 1–6.

#### *Claims 13–15*

Independent claim 13 recites a data storage device in a form factor assembly not greater than three and one half inches comprising a microprocessor executing application programs, a data disc, an actuator assembly rotatably mounted adjacent the data disc for positioning transducer heads relative to the data disc, a servo control module controlling the actuator assembly, **a memory containing an operating system and operably connected to the microprocessor, whereby the microprocessor runs the operating system and a communication means operably connected to the microprocessor and the memory for communicating data stored on the data storage device to a node on a communications bus.**

The applied references fail to disclose or suggest the inventions defined by Applicant's claims, and provide no teaching that would have suggested the desirability of modification to

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arrive at the claimed invention. For example, as discussed previously with respect to claim 1, Squires fails to disclose a microprocessor running an operating system as recited by independent claim 13.

Squires fails to disclose every limitation of the Applicant's claim 13 and dependent claim 14 as required for rejection under 35 U.S.C. §102. Furthermore, it would not have been obvious to one of ordinary skill in the art to modify the disclosure of Squires to include an operating system, as required to support a rejection of claim 13 under 35 U.S.C. §103. The Applicant respectfully requests withdrawal of this rejection and allowance of claims 13-15.

#### ***New Claims 18-23***

Applicant has added claims 18-23 to the pending application. The applied references fail to disclose or suggest the inventions defined by Applicant's new claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed inventions. As one example, the reference fail to disclose or suggest a memory mounted within the case, wherein the memory stores an operating system, and the central processing unit runs the operating system, as recited by independent claim 18. No new matter has been added by the new claims.

#### ***Allowable Subject Matter***

In the Office Action, the Examiner allowed claims 16 and 17 and objected to claims 3, 4, 6 and 15 as including subject matter that would be allowable if rewritten in independent form. Claims 16 and 17 remain in condition for allowance. Claims 3, 4, 6 and 15 are in condition for allowance for at least the reasons claims 1 and 13 are in condition for allowance as discussed above.

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### CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. The Applicant does not acquiesce with any of the Examiner's current rejections or characterizations of the prior art, and reserves the right to further address such rejections and/or characterizations.

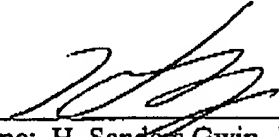
If questions remain regarding the above, please contact the undersigned.

Please charge any additional fees or credit any overpayment to deposit account number 50-1778.

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May 27, 2005  
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